

Application No. 10/698,070

Reply to Office Action

*REMARKS/ARGUMENTS*RECEIVED  
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SEP 21 2006

*The Pending Claims*

Claims 1-26, 35-43, 45, and 46 are pending, which claims are directed to a composition for the inhibition of the translation of a Mect1-MAML2 chimeric gene. Claims 7 and 17 currently are withdrawn.

*Amendments to the Claims*

Claims 1 has been amended to more clearly recite a fragment of a nucleic acid encoding SEQ ID NO: 12 (e.g., the amino acid sequence of the Mect1-MAML2 protein). Claim 1 also has been amended to more clearly state that the fragment is about 17-32 nucleotides in length, and that the nucleic acid complementary to the fragment can, optionally, comprise 1-10 base substitutions. Each of these amendments are supported by the original claims (e.g., original claims 1 and 2) and the specification, for example, at page 6, paragraph 18). Claims 2-26 and 35-39 have been amended to more properly comply with claim 1 from which they depend, and to clarify certain claim language.

Claim 40 similarly has been amended to recite a fragment of a nucleic acid encoding SEQ ID NO: 12. Claims 41-43, 45, and 46 depending therefrom have been amended to reflect the changes to claim 40. Claim 44 has been deleted.

No new matter has been added by way of these amendments.

*Summary of the Office Action*

The Office rejects claims 1-3, 5, 8-15, 18-26 and 35-46 under 35 U.S.C. § 112, first paragraph, as allegedly lacking adequate written description. The Office further requires the cancellation of all non-elected claims and non-elected sequences.

The Office objects to claims 6 and 16 as depending from a rejected base claim; however, the Office indicates that claims 6 and 16 would be allowable if rewritten in independent form omitting non-elected sequences.

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The Office Action Summary sheet indicates that claim 4 was rejected; however, claim 4 was not listed under any of the outstanding rejections detailed in the Office Action.

Reconsideration of these rejections is hereby requested.

*Discussion of the Written Description Rejection*

The Office contends that the specification lacks written description for sequences with varying degrees of homology (10%-99%) to SEQ ID NO: 1. The Office contends that such homologous sequences could encode proteins that are quite different from the MECT1-MAML2 chimeric protein (e.g., SEQ ID NO: 12).

All pending claims, as amended, recite a fragment of a nucleic acid that encodes SEQ ID NO: 12 (e.g., the amino acid sequence of the MECT1-MAML2 chimeric protein). The pending claims, thus, each recite a fragment of a nucleic acid that encodes the MECT1-MAML2 chimeric protein. The amended claims, therefore, satisfy the Office's concerns in this respect. Accordingly, the rejection of the claims as lacking written description is overcome and should be withdrawn.

*Discussion of the Non-Elected Subject Matter*

The Office previously acknowledged that claim 1 links all of the non-elected subject matter with the subject matter that was elected for prosecution, and is, thus, a "linking claim" (see pages 3-4 of the Office Action dated August 24, 2005). Applicants therefore request, upon a finding that claim 1 is in condition for allowance, that the restriction requirement as to the linked inventions be withdrawn.

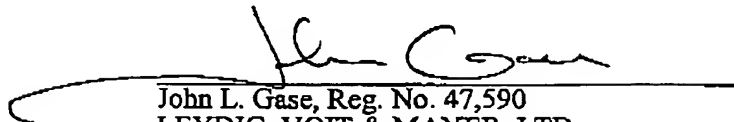
*Conclusion*

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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